

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO

In re:	)	CASE NO: 09-51666
Jason Andrew Nesbitt	)	Chapter 13
Theresa Marie Nesbitt	)	
Debtor(s).	)	Judge Marilyn Shea-Stonum
	)	
		<u>ITEMIZATION IN SUPPORT</u>
		<u>OF APPLICATION FOR</u>
		<u>ADDITIONAL COMPEN-</u>
		<u>SATION</u>

Now comes Robert M. Whittington, Jr., attorney for the above-captioned debtors, who hereby submits the following itemization in support of his application for additional compensation of \$350.00 filed herein, *viz.*,

Date	Service rendered	Time expended, hours in tenths
1/21/11	Reviewed motion for relief, sent copy to clients with form cover ltr.	0.25
2/14/11	Discussed with paralegal her tel. conv. w/ clients, drafted and uploaded response to motion for relief	0.50
2/16/11	Reviewed 9:55 a.m. e-mail from June Smith, (Exhibit A) downloaded and reviewed proof of claim from PACER, downloaded and reviewed chapter 13 trustee's on-line interim report, and sent 10:20:59 e-mail (Exhibit B)	0.33
2/16/11	E-mail exchanged with June Smith, Exhibits C, D and E.	0.33
2/16/11	Analyzed loan history to verify accuracy of	0.50

	mortgagor's statements in aforementioned e-mail. Exhibit I. Calculated effect of settlement on feasibility of plan. Exhibit H. E-mailed paralegal to schedule appt. with clients to review feas- ibility. Exhibit G.	
2/18/11	Reviewed and approved agreed order	0.10
Total time expended:		2.01

WHEREFORE, Robert M. Whittington, Jr. hereby respectfully submits the foregoing itemization of time in support of his motion for additional compensation.

Respectfully Submitted,

/s/ Robert M. Whittington, Jr. 0007851  
159 S. Main St., Suite 1023  
Akron, OH 44308  
330 384 8484  
fax 330 384 8953  
elkwhitt@neo.rr.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing itemization was sent by electronic ECF notification this 8th day of March, 2011 and by ordinary mail, postage prepaid, to:

Jason and Theresa Nesbitt  
1819 Silver Lake Ave.  
Cuyahoga Falls, OH 44223

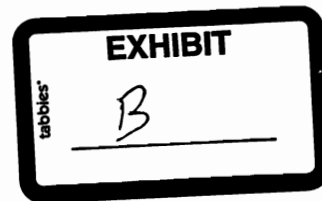
/s/ Robert M. Whittington, Jr.

**Subject:** Re: Nesbitt, Jason & Theresa 09-51666  
**From:** Robert Whittington <rwhittings@sprintmail.com>  
**Date:** Wed, 16 Feb 2011 10:20:59 -0500  
**To:** June Smith <jsmith@albanandcarlson.com>  
**CC:** Carla Irvin <carlairvin@gmail.com>

To be clear, your client already filed a claim in the case for prepetition arrearage for \$4,483.89 that you've included in your \$12,363.00 figure. The chapter 13 trustee already has paid \$1,270.41 of the prepetition arrearage. Therefore, I'm assuming that your client is proposing to file a new claim for \$2,919.95 (which is the \$7,919.95 amount you have in your motion for postpetition arrears less the \$5,000.00 that the debtors would pay outside the plan) plus \$150.00 in costs.

Thanks.

Robert M. Whittington, Jr.



On 2/16/2011 9:55 AM, June Smith wrote:

We called the Court with regard to the MFR filed by Nationwide Advantage Mortgage and have removed this case from tomorrow's docket to give us a little time to finalize the attached Agreed Order and get it uploaded to the Court.

This proposed Agreed Order incorporates the debtors' proposed payment of \$5,000.00 by March 1<sup>st</sup> with the balance of the arrearage to be paid within the plan. The arrearage due is broken down as follows:

13 payments at \$951.00 each	\$12,363.00
13 late charges at \$38.04 each	494.52
Prior uncollected late charges	341.08
Fees to defend objection	275.00
Property inspection fees	17.00
NSF fees	80.00
Unapplied funds	(180.72)
Court costs for MFR	<u>150.00</u>

Total arrearage due                      \$13,539.88

Less proposed reinstatement payment    5,000.00

Arrearage balance to be paid in plan    \$ 8,539.88

Debtors' next regular monthly payment would be due March 1, 2011.

Please let us hear from you at the earliest possible time so we may resolve this matter.



Thank you

June Smith  
Alban & Alban, LLP  
7100 North High Street, #102  
Worthington, Ohio 43085  
Phone (614) 340-4044  
Fax (614) 340-4042

Fax (614) 340-4042

**From:** Robert Whittington [mailto:rwhittings@sprintmail.com]

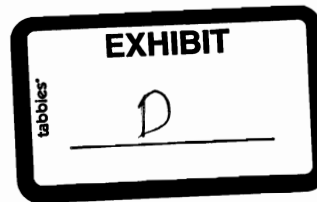
**Sent:** Wednesday, February 16, 2011 10:40 AM

**To:** June Smith

**Subject:** Re: Nesbitt, Jason & Theresa 09-51666

I believe you are incorrect. I have cut and pasted the information that you set forth on the worksheet attached to your motion as Exhibit "C." As you please will see, the \$12,363.00 figure does include \$4,483.89 of prepetition arrears that already is included in the proof of claim previously filed by your client. The amount that your worksheet avers is owed for postpetition arrears is \$7,919.95.

Please review and advise. Thank you.



Arrearages:

BEFORE DATE OF FILING: \$ 4,483.89

AFTER DATE OF FILING: 2 \$ 7,919.95

TOTAL ARREARAGES: \$12,403.84

On 2/16/2011 10:27 AM, June Smith wrote:

The pre-petition arrearage figure is NOT included in the \$12,363.00 figure. Debtors have 13 payments due post petition. The loan is contractually due for the December, 2009, payment and post petition due for the February, 2010, payment. A post-petition payment history is attached to our MFR.

Thank you



June Smith

Alban & Alban, LLP

7100 North High Street, #102

Worthington, Ohio 43085

June Smith

Alban & Alban, LLP

7100 North High Street, #102

Worthington, Ohio 43085

Phone (614) 340-4044

Fax (614) 340-4042

**From:** Robert Whittington [mailto:rwhittings@sprintmail.com]

**Sent:** Wednesday, February 16, 2011 10:48 AM

**To:** June Smith

**Subject:** Re: Nesbitt, Jason & Theresa 09-51666

Please provide an explanation for the discrepancy. Thanks.

Robert M. Whittington, Jr.

On 2/16/2011 10:46 AM, June Smith wrote:

The worksheet is incorrect and we can amend, if necessary.

Thank you

June Smith

Alban & Alban, LLP

7100 North High Street, #102

Worthington, Ohio 43085

Phone (614) 340-4044



**Subject:** Re: Nesbit, Theresa

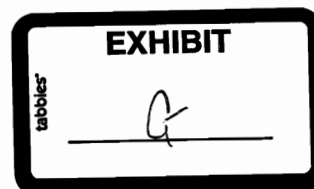
**From:** Robert Whittington <rwhittings@sprintmail.com>

**Date:** Wed, 16 Feb 2011 11:33:53 -0500

**To:** Carla Irvin <carlairvin@gmail.com>

Call her and set up an appointment to have her bring in paystubs. Send her a budget form. Must show that she can pay what she's proposing and modify the plan.

On 2/16/2011 11:07 AM, Carla Irvin wrote:  
She says fine.



ncs 6. H

12,363.00 post pet. 2 years per e-mail  
- 8,000.00 paid outside

7,363.00 to be paid for post pet. 2 years  
150.00 costs  
300.00 utility fees  
546.91 trustee

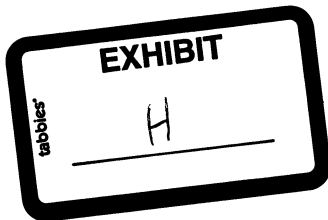
8,359.91

11,157.92 plan balance as of 2/10/11

11,817.93 - 43 remaining mths =

453.10/mo. ~

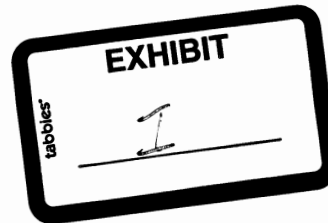
210/biweekly for 43 month  
from today



27-81246

3227





Account # 1449098  
 BK Filed 4/23/2009  
 First Post Pet 5/1/2009 9/1/2009  
 Amount 943 \$ 951.00

Due Date	Date Rcvd	Payment amount	Amount rcvd	Unapplied funds balance	Late Charge Assessed	Late Charge Paid	
<i>May</i> 5/1/09	6/8/09	\$ 943.00	\$ 980.72	\$ 37.72	\$ 37.72		
<i>June</i> 6/1/09	7/7/09	\$ 943.00	\$ 943.00	\$ 37.72	\$ 37.72		
<i>July</i> 7/1/09	9/15/09	\$ 943.00	\$ 1,000.00	\$ 94.72	\$ 37.72		
	8/1/09	9/29/09	\$ 943.00	\$ 980.00	\$ 131.72	\$ 37.72	
	8/1/09	10/5/09	\$ (943.00)	\$ (980.00)	\$ 94.72	\$ (37.72)	NSF 1ST
	8/1/09	10/5/09	\$ 943.00	\$ 980.00	\$ 131.72	\$ 37.72	
	8/1/09	10/12/09	\$ (943.00)	\$ (980.00)	\$ 94.72	\$ (37.72)	NSF 2ND 20
	8/1/09	10/29/09	\$ 943.00	\$ 980.00	\$ 131.72	\$ 37.72	
	9/1/09	12/31/09	\$ 951.00	\$ 951.00	\$ 131.72	\$ 38.04	
	9/1/09	1/8/10	\$ (951.00)	\$ (951.00)	\$ 131.72	\$ (38.04)	NSF 1ST
	9/1/09	1/8/10	\$ 951.00	\$ 951.00	\$ 131.72	\$ 38.04	
	9/1/09	1/15/10	\$ (951.00)	\$ (951.00)	\$ 131.72	\$ (38.04)	NSF 2ND 20
	9/1/09	2/1/10	\$ 951.00	\$ 1,000.00	\$ 180.72	\$ 38.04	
	10/1/09	3/2/10	\$ 951.00	\$ 951.00	\$ 180.72	\$ 38.04	
	11/1/09	3/29/10	\$ 951.00	\$ 951.00	\$ 180.72	\$ 38.04	
	11/1/09	4/2/10	\$ (951.00)	\$ (951.00)	\$ 180.72	\$ (38.04)	NSF 1ST
	11/1/09	4/2/10	\$ 951.00	\$ 951.00	\$ 180.72	\$ 38.04	
	11/1/09	4/8/10	\$ (951.00)	\$ (951.00)	\$ 180.72	\$ (38.04)	NSF 2ND 20
	11/1/09	4/14/10	\$ 951.00	\$ 951.00	\$ 180.72	\$ 38.04	
	12/1/09	6/3/10	\$ 950.00	\$ 950.00	\$ 180.72	\$ 38.04	
	1/1/10	9/3/10	\$ 950.00	\$ 950.00	\$ 180.72	\$ 38.04	
	1/1/10	9/13/10	\$ (950.00)	\$ (950.00)	\$ 180.72	\$ (38.04)	NSF 1ST
	1/1/10	9/13/10	\$ 950.00	\$ 950.00	\$ 180.72	\$ 38.04	
	1/1/10	9/17/10	\$ (950.00)	\$ (950.00)	\$ 180.72	\$ (38.04)	NSF 2ND 20
	1/1/10	9/29/10	\$ 950.00	\$ 950.00	\$ 180.72	\$ 38.04	
					\$ 341.08		

12 mos Jan 2nd 2 13 mos  
 1 Feb 2nd 2